



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: : 10/627,776
Applicants : Stuart D. Hellring et al.
Filed: : July 28, 2003
Title: : SILICA AND SILICA BASED SLURRY
CUSTOMER NO. : 24959
CONFIRMATION NO. : 5340
GROUP ART UNIT : 1763
EXAMINER : George A. Goudreau

TERMINAL DISCLAIMER

The owner, PPG Industries Ohio, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of prior patent No. 6,656,241 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent No. 6,656,241 is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent No. 6,656,241 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent No. 6,656,241, as the term of said prior patent No.

6,656,241 is presently shortened by any terminal disclaimer, in the event that said prior patent No. 6,656,241 later:

Expires for failure to pay a maintenance fee;

Is held unenforceable;

Is found invalid by a court of competent jurisdiction;

Is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;

Is reissued; or

Is in any manner terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer.

The undersigned is an attorney or agent of record. The Commissioner is authorized to charge any fees necessary for the submission of this Terminal Disclaimer to Deposit Account No. 16-2025.

Respectfully submitted,



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